

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Saint Paul District  
FILE NUMBER: MVP-2006-3056-TMV  
PROJECT MANAGER: Todd Vesperman

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date:06/08/2006  
At the project site? Y ☒ N ☐ Date:06/07/2006

### **PROJECT LOCATION INFORMATION:**

State: Minnesota  
County: Chippewa  
Center coordinates of site by latitude & longitude: 44.9643284239/-95.6845095312  
Approximate size of site/property (including uplands) in acres:40  
Name of waterway or watershed: Chippewa Watershed

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	1=0.3 ac								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): The wetland being reviewed is approximately 0.3 acre in size and has previously been tile drained and farmed. At some point prior to 2006 the drain tile either broke or became plugged and no longer was able to drain the wetland. In the spring of 2006 the landowner replaced the drain tile without notifying the Corps. The wetland basin is surrounded by non-hydric soils (uplands) and has no continuous surface connection with other waters of the United States. The subject wetland occurs entirely within Chippewa County, Minnesota; has not been used for recreation; and has no reasonable connection to interstate commerce.

The following information was used in making the no jurisdiction determination; USGS topographic map, FSA 2003 aerial photograph, the National Wetland Inventory, the 1982 Chippewa County Soil Survey, and information collected on the 06/07/2006 site visit.